

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, January 3, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), M. Beal, R. Hall, K. Holt, G. Lewis, P. Plante, K. Rawn, B. Ryan
Members absent: B. Pociask
Alternates present: B. Chandy, V. Ward
Staff Present: Linda M. Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 8:05 p.m. and appointed alternate Chandy to act in Pociask's absence.

Minutes:

December 19, 2011 Meeting: Hall MOVED, Ryan seconded, to approve the 12/19/11 Meeting minutes as written. MOTION PASSED UNANIMOUSLY. Lewis noted for the record that he listened to the recording of the meeting.

Zoning Agents Report:

Hirsch stated he sent out renewal forms to all those registered as having Home Occupations and Efficiency Units.

Public Hearing:

Special Permit Application for Fill, 28 Old Kent Road, J. James owner/applicant, PZC File #1306

Chairman Goodwin opened the Pubic Hearing at 8:10 p.m. Members present were Goodwin, Beal, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternates Chandy and Ward. Alternate Chandy was appointed to act. L. Painter, Director of Planning and Development, read the Legal Notice as it appeared in the Chronicle on 12/20/11 and 12/28/11 and noted the following communications received and distributed to members: a 12-29-11 memo from G. Meitzler, Assistant Town Engineer; a 12-29-11 memo from L. Painter, Director of Planning and Development; and a 1-3-12 letter from R. Meduna, 13 Thornbush Road.

Attorney Samuel Schrager, representing the applicant, presented background history on the property and the reason for the application.

Attorney Steven Basche, representing Douglas and Linda Rasicot, property abutters, opposed both the application and the request for waivers from application requirements. He discussed the background history on the property and submitted photos of the site before, after and during the work that was done by the applicant. He also submitted the following: an 11/8/2006 report written to the Director of Public Works from Eric R. Peterson, P.E., of Gardner and Peterson Associates, LLC; a 9/8/10 Temporary Agreement, and a petition signed by neighboring property owners.

After hearing extensive discussion from both attorneys and Mr. Rasicot, Goodwin noted for the record that there were no comments from the public. Plante MOVED, Beal seconded, to close the Public Hearing at 8:55 p.m. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Special Permit Application, Addition to Eastbrook Mall & Freestanding Building, 95 Storrs Road New England Design/applicant, PZC File #432-6

Chairman Goodwin opened the Pubic Hearing at 8:57 p.m. Members present were Goodwin, Beal, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternates Chandy and Ward. Alternate Chandy was appointed to act. L. Painter, Director of Planning and Development, read the Legal Notice as it appeared in the Chronicle on 12/20/11 and 12/28/11 and noted the following communications received and distributed to members: a

12-29-11 memo from L. Painter, Director of Planning and Development; a 12-29-11 memo from G. Meitzler, Assistant Town Engineer; a 12-28-11 letter from David A. Sawicki, Executive Director, CT DOT; a 12-21-11 memo from F. Raiola, Assistant Chief/ Deputy Fire Marshal; a 12-29-11 memo from the Design Review Panel; and a 12-29-11 memo from the Mansfield Conservation Commission. The applicant agreed to have testimony from the Inland Wetlands Agency meeting entered into the record of the Planning and Zoning Commission meeting.

John Whitcomb of BL Companies, John Everett of New England Design, and Daniel Plotkin of Northeast Leasing were present, representing the applicant. Everett reviewed the proposed changes to the site layout: the building addition to the north end of the mall, the small pad site along Storrs Road/Route 195, and the right-in and right-out driveway to enter/exit the pad site that crosses over Saw Mill Brook.

Whitcomb noted that he met with Town staff last week, and issues were identified which will be addressed on a revised set of plans. He asked if the condition of L.O.M.R. from FEMA can be a condition of approval or if they need the revision prior to approval. If the Commissioners feel that they need the L.O.M.A. prior to approval, the applicant will remove the pad site from the application.

Chairman Goodman asked for comments from the audience. David Simon, resident, would like to see sidewalks to go farther north on Storrs Road.

Noting no further comments or questions from the public or Commission, at 9:54, Hall MOVED, Holt seconded, to continue the Public Hearing to the next meeting. MOTION PASSED UNANIMOUSLY.

Old Business:

a. Cease and Desist Order-Freedom Green (PZC File #636-4)

Plante MOVED, Hall seconded, that the proposed grading plan dated 12/16/2011 and landscape plan dated 12/15/2011 be approved subject to the following conditions:

- The landscape plan be revised to label the shadblow tree located to the south of building B; change the proposed mugo pines in the driveway landscape area of building A to a shadblow tree, and that the final plan be signed and sealed by registered landscape architect that prepared the plan (Peter Miniutti).
- The grading plan be revised to eliminate proposed grade changes to the front and sides of structures A and B.
- Any changes to the grading plan, needed to comply with surface drainage requirements of the State Building Code, shall be submitted to the Zoning Agent for inclusion in the project file.

Upon submission of the revised plans and approval by the Director of Planning and Development that the plans have complied with the above conditions, the Zoning Agent shall be authorized to lift the Cease and Desist order on both Building A and Building B. MOTION PASSED UNANIMOUSLY.

b. Interstate Reliability Project

After discussion with representatives from CL&P, and changes to the "1-03-12 Draft Letter to Town Council", Plante MOVED, Hall seconded, to send the Town Council the amended 1-3-12 draft letter. MOTION PASSED UNANIMOUSLY.

c. Request to amend Conservation Easement/Hawthorne Lane Subdivision

After a brief discussion, and clarification of proposal to David Simon, property abutter, Holt MOVED, Ryan seconded, that the Planning and Zoning Commission hereby recommends that the Town Council amend the existing Conservation Easement for the Hawthorne Lane Subdivision to eliminate the 0.32 acres located to the west of the Hawthorne Lane cul-de-sac as depicted on the attached map and add the 0.64 acres located along the northern boundaries of the lots addressed at 21 and 25 Hawthorne Lane as depicted on the attached map. The change to the Conservation Easement should be contingent upon

Connecticut Siting Council approval of the transmission line route proposed as part of the Interstate Reliability Project and specifically the Hawthorne Lane alternative. The property owners shall be responsible for retaining an attorney to prepare the amendment to the Conservation Easement, as well as a surveyor/engineer to prepare revised legal descriptions and a map prepared to A-2 survey standards. Subject to the foregoing conditions, the subdivision approval is modified accordingly. MOTION PASSED UNANIMOUSLY.

d. **Continued Discussion of By-Laws**

Item tabled.

e. **Special Permit Application, Cumberland Farms, 643 Middle Turnpike & 1660 Storrs Road
Cumberland Farms, Inc./applicant, PZC File #1303-2**

Item tabled-Public Hearing scheduled for 1/17/2012.

New Business:

None.

Reports from Officers and Committees:

Beal noted that the next Regulatory Review Committee meeting will be on Wednesday, January 11th at 1:15 p.m. in Conference Room C.

Goodwin stated that since there was no new business requiring a field trip, the scheduled 1/10/12 Field Trip is cancelled.

Communications and Bills: Noted.

Adjournment:

Plante MOVED, Beal seconded, to adjourn the meeting at 10:51 p.m.

MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

Katherine Holt, Secretary